

FILED

NOV 12 2010

U.S. DISTRICT COURT
INDIANAPOLIS, INDIANA

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS, INDIANA

ABU HENDERSON,)
Plaintiff,)
v.)
DEPARTMENT OF PUBLIC WORKS,)
CITY OF INDIANAPOLIS,)
Defendant.)

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, named-above, complains of act and omissions to act by the Defendant. In support of her Complaint and as cause of action against Defendant, Plaintiff respectfully submits the following:

JURISDICTION

1. This suit is authorized and instituted pursuant to Title VII § 2000 et al., 42 U.S.C. § 1981 and 28 U.S.C. § 1331.
2. Plaintiff filed a charge with the Equal Employment Opportunity Commission (EEOC) and Plaintiff received a right to sue letter on September 22, 2010.

PARTIES

3. Plaintiff, Abu Henderson, is an African-American citizen of the United States and a resident of Marion County, Indiana in the Southern District of Indiana. He was employed by the Defendant at all times relevant to the allegations set forth in this Complaint.
4. Defendant is a governmental agency in the State of Indiana in the Southern District of Indiana

FACTS

5. Plaintiff began working for Defendant in December 1995.
6. Plaintiff began as a crew member.
7. Plaintiff was promoted to lead crew member in 1998.
8. Plaintiff was commended often regarding his work performance .
9. Despite Plaintiff's commendable work performance he was terminated on August 2, 2010.
10. The reason give for his termination was that Plaintiff falsified work related paperwork.
11. The reason given by Defendant is not true.
12. Further, there are similarly situated employees outside of Plaintiff's protected class that were and are being treated more favorably than Plaintiff.
13. White employees who have falsified work records have not been terminated or if terminated they were reinstated.
14. Defendant has discriminated against Plaintiff due to his race in violation of Title VII and 42 U.S.C. § 1981.

COUNT I

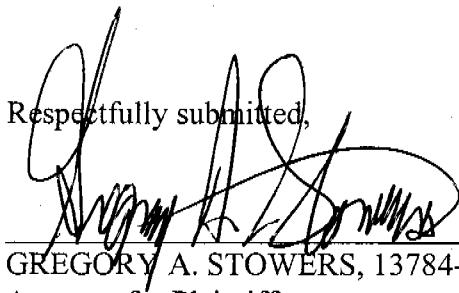
15. Plaintiff incorporates by reference paragraphs 1-14.
16. Defendant, as a result of its termination and failure to allow Plaintiff to return to work violated the Title VII 42 U.S.C. § 2000 et al. and U.S.C. § 1981.

WHEREFORE, Plaintiff respectfully requests that Court grant the following relief:

- A. Award Plaintiff back pay and benefits lost;
- B. Award Plaintiff compensatory damages for future pecuniary loss, emotional pain and suffering, inconvenience, mental anguish and loss of enjoyment of life;

- C. Award the Plaintiff punitive damages;
- D. Award Plaintiff liquidated damages;
- E. Award Plaintiff his cost in this action and reasonable attorney fees; and,
- F. Grant Plaintiff a permanent injunction enjoining Defendant from engaging in any employment practice or policy which discriminates against Plaintiff on the basis of disability.

Respectfully submitted,

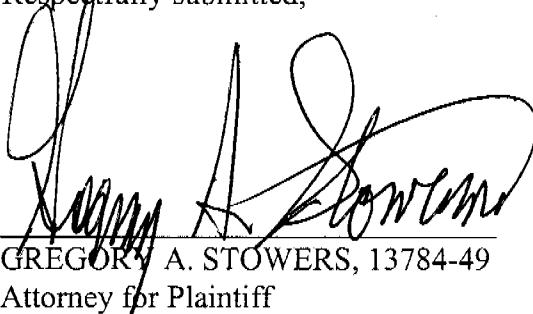


GREGORY A. STOWERS, 13784-49
Attorney for Plaintiff

REQUEST FOR JURY TRIAL

Comes now the Plaintiff and requests that this cause be tried by jury.

Respectfully submitted,



GREGORY A. STOWERS, 13784-49
Attorney for Plaintiff

Gregory A. Stowers, 13784-49
STOWERS & WEDDLE P.C.
626 N. Illinois Street
Suite 201
Indianapolis, IN 46204
(317)636-6320